



# HIRING AND MANAGING DIRECT CARE WORKERS



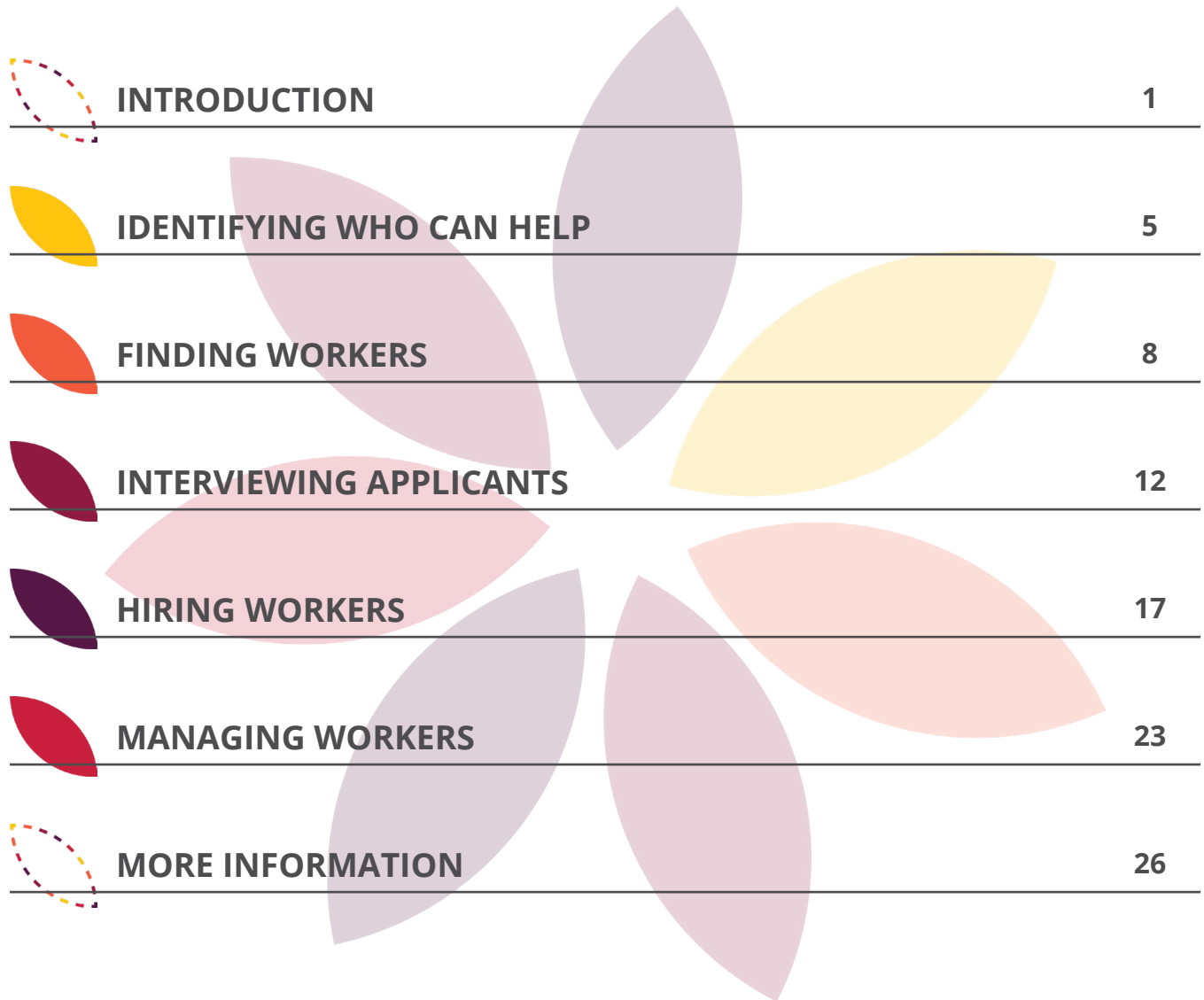
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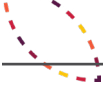
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# INTRODUCTION

## WHAT ARE SELF-DIRECTED SERVICES?

This is a guide to hiring and managing the workers who provide the services and supports paid for the community mental health agency (CMH). When you choose to direct your services and supports, you hire your own workers. Your workers help you with your goals from the person-centered planning process.

## WHAT IS SO GREAT ABOUT USING SELF-DIRECTED SERVICES?

- You control who comes into your life, when, and what your workers do to assist you.
- You plan your services and supports in ways you want.
- You use services and supports to create connections to and participate in your community.
- You find your workers among your friends, family and community members.

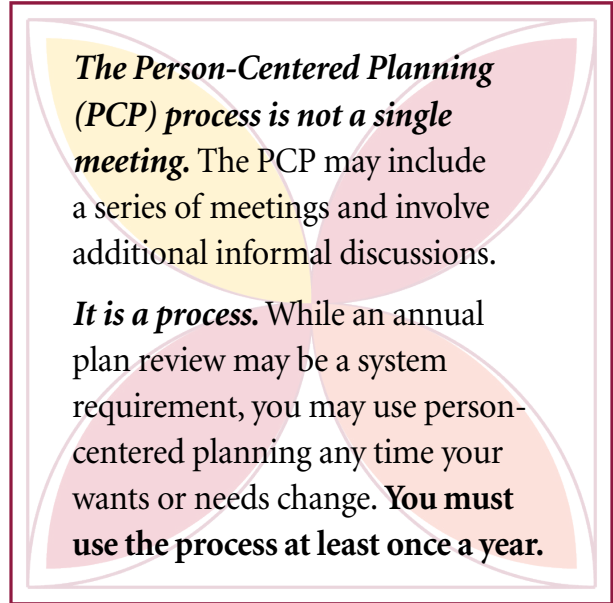
## SELF-DIRECTING: WHAT DOES THAT MEAN?

Most services and supports are provided by a staffing agency. The agency decides who provides the services and the length of their shifts. Agency rules may dictate how certain services are provided.

Self-direction allows you to have greater flexibility in planning your supports to meet your needs. You are in charge of who provides services, how the services are provided, when, and how often. If you need support one hour twice a day, you can hire someone to do that. You decide how your worker helps you.

## WHAT IS BUDGET AUTHORITY?

Budget Authority means that you control the money (called an Individual Budget) to obtain your services and supports. An individual budget is the funding needed for the services and supports in your plan from your CMH. Your individual budget is developed at the same time as your Plan through the PCP process.



***The Person-Centered Planning (PCP) process is not a single meeting.*** The PCP may include a series of meetings and involve additional informal discussions.

***It is a process.*** While an annual plan review may be a system requirement, you may use person-centered planning any time your wants or needs change. **You must use the process at least once a year.**

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## WHAT IS EMPLOYER AUTHORITY?

Employer Authority is the right to hire workers you choose and have your services provided the way that you want. Sometimes, you may be called the employer of record or managing employer. You can hire any person who meets the requirements. You cannot hire a legally responsible relative (if you are married, your spouse) or your legal guardian. The CMH must offer you training on how to hiring workers, job duties and firing workers who don't do a good job. This training is voluntary, which means that you don't have to go with it.

You are responsible for many aspects of being an employer such as:

- Interviewing and hiring worker(s);
- Signing employment agreement (legal contract) with every worker;
- Writing down the job duties with each worker;
- Deciding work hours and work rules, and;
- Firing workers who do a bad job.

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## HOW DO I GET THE SUPPORTS THAT I NEED?

You plan for self-directed services through the person-centered planning (PCP) process.

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## WHO IS INVOLVED IN THE PERSON-CENTERED PLANNING PROCESS?

You choose the people you want involved in the PCP Process. Involve people who you know well, who care about you, and who believe in you.

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## WHAT ARE THE STEPS IN THE PCP PROCESS?



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## STEP 1: PREPLANNING

Through pre-planning, you prepare for the planning step (which you may think of as your PCP meeting or just your meeting). You can do pre-planning with your supports coordinator, an independent facilitator, or a family member or friend. Pre-planning is done before your meeting.

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## WHAT DECISIONS DO I MAKE THROUGH PRE-PLANNING?

During pre-planning, you need to decide the following things with enough time to take all needed actions (for example, invite people you want to participate):

- What do you want to and do not want to talk about at your meeting;
- What do you want to talk about outside of your meeting;
- Who you want to invite to your meeting;
- Where and when your meeting will be held;
- Who will run your meeting (you may want to lead your meeting or you may choose your supports coordinator or an independent facilitator) and;
- Who will write down what happens at your meeting.



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### WHAT HAPPENS DURING THE PCP PROCESS OR MEETING?

First, introduce the people you invited. Then, you discuss the things you chose to discuss during pre-planning. You could discuss:

- What makes you happy or brings you joy;
- What is not working for you;
- What you want your future to look like;
- What your typical day is like and what you want it to be like.

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### DEVELOPING YOUR PLAN?

During the PCP process, you develop your Individual Plan of Service (the IPOS or Plan). You and the people you invited to your PCP process work together to develop your Plan.

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### WHAT IS IN THE PLAN?

Your Plan is a plan for your life, not a medical document. The things that need to be included are in the Plan are listed in the PCP Plan Worksheet on page 5. You can also include other things that are important to you.

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### WHEN DO I GET A COPY OF MY PLAN?

You have a right to receive a written copy of your plan within 15 days after your PCP Process or meeting.



## PCP Plan Worksheet

1. a. What are your strengths?

b. What are your preferences?

2. a. In your own words, what are your goals and outcomes?

b. How you will know when you have achieved them?

3. What are the services and supports you need to pursue to your goals including CMH supports and services?

a. CMH Service

b. Amount

Scope

Duration

# of Units

Description

Time period

a. CMH Service

b. Amount

Scope

Duration

# of Units

Description

Time period

4. Where do you live? Why did you choose where you live? What other places did you think about living?

5. What services are you directing?

6. a. Who will monitor your plan?

b. How often will your plan be monitored?

# IDENTIFYING WHO CAN HELP

## STEP 1: WHO CAN HELP?

Being an employer does not mean that you must do everything yourself, without support. There are lots of people who can help you.



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### HOW CAN MY SUPPORTS COORDINATOR HELP ME?

If you use Community Mental Health services, your Supports Coordinator is responsible to assist you when you need help.

Any time you have a problem, let your Supports Coordinator know right away. You can always choose a different Supports Coordinator, if you don't think yours is a good fit for you.

Supports Coordinator Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

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### CAN MY FRIENDS AND FAMILY HELP?

Yes. When choosing people to help, think about people who you trust and who will respect your feelings and preferences throughout the process.

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### HOW CAN A SUPPORTS BROKER HELP ME?

Community Mental Health must offer you supports broker services to help you if you are using self-directed services. The Supports Broker helps you identify whatever is needed and helps you be successful. This includes finding and training workers. The Supports Broker takes direction from you. If you choose not to have a Supports Broker, the Community Mental Health must offer you training to act as your own Supports Broker.



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### HOW CAN A PEER MENTOR HELP ME?

Peer Mentors have a unique background and skill level from their experience as people with intellectual and developmental disabilities. They have used Community Mental Health services and supports to achieve their personal goals. Peers have a special ability to gain trust and respect based on shared experience. They have training that enables them to assist you with your planning and your services and supports. Most Community Mental Health agencies have trained Peer Mentors.

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## HAVE YOU EVER USED A PEER?

What worked best?

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When did you need help?

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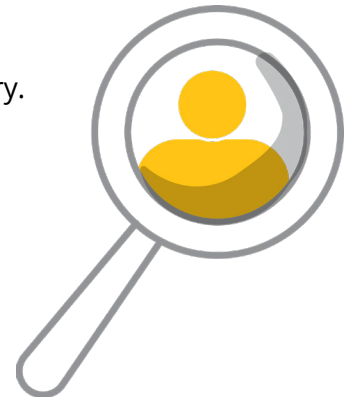
## HOW DOES THE FINANCIAL MANAGEMENT SERVICES HELP?

The Financial Management Services (FMS) used to be called the Fiscal Intermediary.

Fiscal Management Services agents help you control your individual budget and hire direct care workers. The Fiscal Management Services agent helps you manage and pay out the funds in your individual budget.

Fiscal Management Services agents:

- Serve as Employer Agent (that means paying your workers and handling the tax and legal aspects of employment described on page 27;
- Track and monitor how much you spend of your individual budget and let you know if you spent too much or have money that you have not spent.



Fiscal Management Services agents must have a positive track record in managing budgets. They must be separate from the Community Mental Health and not provide any other Community Mental Health services and supports.

Fiscal Management Services agents cannot be your guardian or have any other paid relationship with people receiving Community Mental Health services and supports. The only exception to this rule is that the Fiscal Management Services agent can be representative payee for people.

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## WHAT IS THE EMPLOYER AGENT ROLE?

When you hire workers with funds in your individual budget, the Fiscal Management Services agent serves as your employer agent and pays your workers with the funds in your individual budget. The Fiscal Management Services agent makes payments only when you tell it to make payments (by signing and submitting timesheets or invoices). The Fiscal Management Services agent also handles the tax withholdings required by the Internal Revenue Service, state and local income tax jurisdictions, and unemployment insurance.

The Fiscal Management Services agent helps you check provider qualifications by calling references provided by your workers and conducting background checks. The FMS may also help you with the paperwork you need to prepare for the CMH.





# FINDING WORKERS



## **STEP 2: HOW DO I FIND WORKERS I WILL LIKE?**

When looking for workers, consider both the type of support you need and the type of person you want to hire to help you.

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### **HOW DO I FIGURE OUT WHAT IS IMPORTANT TO ME IN A WORKER?**

First, think about the people who have supported you in the past.

What did you like about them?

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What did you not like about them?

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Do you prefer workers who are quiet and speak softly?  Yes  No

Do you like people who are outgoing or funny?  Yes  No

Do you want workers who like the same music and TV as you?  Yes  No

Does having shared interests matter to you?  Yes  No

Are you willing to hire a worker who is only available for a few months (such as a college student)?

Yes  No

Do you want someone who will be available for a long time?  Yes  No

Do you have animals?  Yes  No

Are you allergic to smoke?  Yes  No

If so, you will want to put that in your ad so smokers don't apply.

Do you mind if your worker uses their cell phone or watches TV while they are working?

Yes  No

The qualities you are looking for may vary depending on what your worker is going to do for you. If you need someone to help you get out in the community, that person will have different skills than a person you hire to clean your house. Will your worker need to drive you places? If so, a good driving record is important. If not, a good driving record may not matter.



Under Medicaid rules, you cannot hire your guardian, spouse or minor child to provide your care, but you can hire other relatives.

- There may be benefits to hiring your family and friends; you know them and how trustworthy or dependable they are.
- However, a family member or friend also may take working for you less seriously than a stranger, making it difficult for you to direct them in the job duties. Think about what works best for you.

Once you list or organize your needs and preferences, you are ready to write a job description.

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## WHAT IS A JOB DESCRIPTION?

A job description includes the tasks, hours, and rate of pay for your workers. Be specific. People looking for jobs need clear directions.

Some of the information that you put in the job description:

- The services and supports you need and want;
- Day-to day tasks involved in the job;
- The days and hours that you want people to work.

Ask your Supports Coordinator or your family and friends to help you determine pay rate based on funding.

Ask your Supports Coordinator, your Supports Broker or one of your friends and family to help you write a job description.

A job description worksheet is included on the next page.

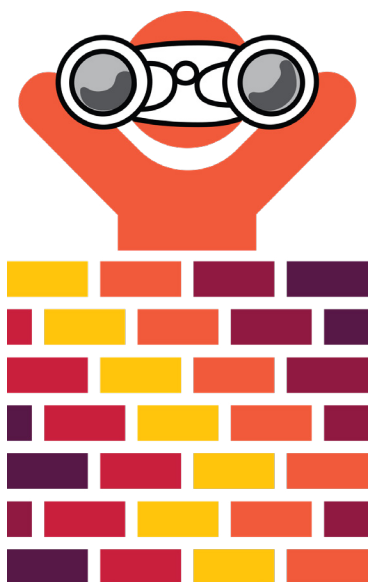
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## WHERE DO I FIND WORKERS?

There are many ways to look for and find workers. The best way is word of mouth; tell your friends, family and other people that you are looking for workers. Other people who employ workers can often recommend workers they know.

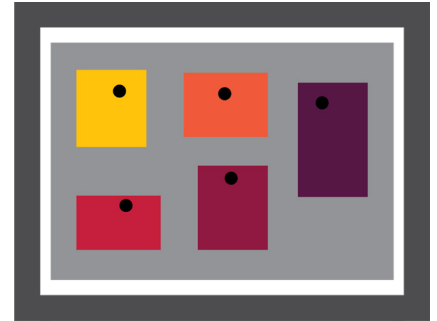
Tell people you know at community organizations such as churches, mosques, temples or disability organizations (such as local Arc chapters or Disability Network, self-advocacy networks) that you are looking for workers.

Another way to find workers is by posting or placing advertisements. Ads can take many different forms. A flyer is a full page that you put up for free on a bulletin board in a public place. An ad that you place in a newspaper must be very short and may cost money.



Some places that you can place ads are:

- Newsletters of community churches, mosques, or temples, local organizations or support groups;
- Bulletin boards at grocery stores, local restaurants, apartment buildings, churches, libraries, local recreational facilities, laundromats, clinics;
- The student employment office or nursing and social work programs at area vocational schools, community colleges and universities;
- Michigan Works! Offices ([www.michworks.org](http://www.michworks.org)) or other Job service offices, employment, and temporary agencies;
- Online posting web sites like Indeed, Disability Scoop or Craig’s List.



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**A SUCCESSFUL AD:**

- Is clear about the support you need;
- Uses short, simple wording;
- Include hours, tasks, and a phone number (for your safety, do not include your address);
- Includes your personal preferences such as a non-smoker or factors that may be important to you.

If you are unsure, ask your friends and family for help. They can help you post your ads on bulletin boards or call the newspaper about placing an ad.

**SAMPLE JOB ADVERTISEMENTS**

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**SAMPLE #1**

Part-time female assistant for active young woman with a disability. Assistance with grooming, housework and accessing the community. Flexible hours. Call 555-1111.

.....  
**SAMPLE #2**

Seeking support for young man with disability. Worker will help access community services and activities and provide support. Excellent opportunity for someone who wants to share his experience with disability. \$12 per hour. Can work around your schedule. Call 555-1111.

.....  
**SAMPLE #3**

Female personal care attendant for woman with a disability—Mon, Wed, Fri, Sat, 7-9:30 a.m. \$10 per hour. Will train. Call 555-1111.



.....  
**SAMPLE #4**

Looking for responsible individual to accompany a young man with a disability to various community activities:

- Must have reliable transportation;
- Must be interested in having fun;
- Must enjoy going to community festivals, movies, video arcades, the mall, museum and other local hot spots;
- Must be 18 or older;
- References and background check required.

Seeking individual to help young woman with disability to help get access and coordinate community participation including transportation to and from appointments, recreation activities and employment. Assist woman to navigate services and supports including service array, consumer rights, and grievance procedures. Flexible Hours and Good Pay. Call 555-1111.

**NOTES**

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# INTERVIEWING APPLICANTS

## STEP 3: HOW DO I INTERVIEW JOB APPLICANTS?

Once you start advertising, potential workers will call you if they are interested. When they call, you need to be ready for the next step—interviewing them.

There are two steps in the interview process: (1) the telephone screen and (2) in-person interview. The purpose of both is for you to get to know the person who has applied for the job (called the “applicant”) and to learn whether he or she will be a good match for you.



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### WHAT IS A TELEPHONE SCREEN?

A telephone screen is a short telephone conversation (5-10 minutes) to determine whether you should interview this applicant in-person.

Start the telephone screen by telling the applicant about yourself. Next, describe the job duties, hours, and pay rate. Be specific about job duties. Ask the applicant if he or she is able and interested in doing these tasks. Ask if the rate of pay and hours are acceptable. Explain the general area in which you live and ask if the person would have any problem getting there.

At the end of the telephone screen, thank the applicant for their time. Tell the applicant that you will call to set up in-person interviews with a few applicants. Once you have finished all your telephone screens, review your notes and start thinking about which of the applicants you want to interview in person. You don't have to interview everyone you screen by telephone.

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### HOW DO I SET UP INTERVIEWS?

Once you decide which applicants you want to interview in person, call each one to schedule the interview. Explain that you will require each applicant to complete an application form and a release form that gives you permission to conduct background and reference checks (see sample form included on page 27).

#### **Ask each applicant to bring the following information to the interview:**

- A list of past jobs, or a resume (if he or she has one);
- A list of two or three references;
- A driver's license or other identification and relevant training certificates or licenses.

Choose a place other than your home to interview your applicants such as coffee shop, public library, or community organization. You may want to ask one of your friends or family to join you for the interview. This person can also take notes for you to help you remember what applicants have said.

Having a friend or family member at the interview may also show if your potential worker will treat you with dignity and respect. One good sign is if the applicant directs their attention to you, not the friend or family member. A bad sign is if the applicant treats the two of you differently, showing your friend or family member more attention and respect.



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## HOW DO I PREPARE FOR THE INTERVIEW?

Before your first interview, put together a list of questions for the applicants. Sample questions are included on page 18.

You cannot ask some specific questions of job applicants. The purpose of these laws is to prevent employers from discriminating against job applicants based on their religion, race, color, national origin, age, gender, height, weight, marital status, or disability. You cannot use any of these factors in choosing a worker unless they relate directly to the job. For example, you can choose a female applicant over a male applicant because you are female and you will need help bathing or using the toilet.

### Sample general interview questions

1. *Why are you interested in working for me?*
2. *Can you drive? Would you be willing to drive me when I need to go somewhere?*
3. *Are there any problems with the days or hours that I need you to work?*
4. *Can you work on weekends or holidays?*
5. *Can you tell me about yourself?*
6. *Do you have experience doing any of these tasks?*
7. *Where else have you worked?*
8. *How long do you plan to stay on the job? Will you provide two weeks' notice before resigning?*
9. *Why did you leave your last job?*
10. *What did (or do) you like and dislike about your last (or current) job?*
11. *If there are gaps between jobs, why?*
12. *Are you working now? Where? How long have you worked there?*
13. *What kind of special training do you have?*
14. *Why did you answer my ad instead of others you may have seen?*

### Specific Questions to Add for All Applicants

The following questions are related to qualities specific to your situation. These questions are important because it is often the small day-to-day details that can make or break an arrangement. Use them as examples to develop your own questions specific to your life, needs or preferences.

- Do you mind being around someone who smokes or drinks?
- Will it bother you to work around a cluttered house?
- Are you allergic to smoke or pets?
- How do you feel about working for someone who swears?



### Sensitive Questions

For legal reasons, you are not allowed to ask questions about religion, race, color, national origin, age, gender, height, weight, marital status or disability. The following questions are examples of questions that you can ask and why you can ask them.

Question	Reason You Need to Ask the Question in a Specific Way
Are you 18 years of age or older?	You can only ask about age to find out if a person is over 18.
Have you ever been convicted of a crime? What? Where? When?	You cannot make an inquiry into arrests that did not result in conviction, but you can ask whether there are any felony charges pending against the person.
Is there anything in the job description that you can't or won't do?	You can't ask if the person has a disability. This ban means that you cannot ask if someone receives support services or takes medication for a physical or mental condition.
Would you ever need to bring someone with you to work?	You can't ask if someone is married or has children, but this question is directly related to job performance.



### WHAT CAN I EXPECT DURING THE INTERVIEWS?

When the applicant arrives, be friendly and help them to feel comfortable. Ask the applicant to fill out the application and reference/background check release. If the forms have already been filled out, give the applicant the job description to review while you look over the completed forms. If both you and the applicant have e-mail, consider e-mailing the job description and forms to them in advance to save time at the interview.

After reviewing their application, talk about the job description, hours, pay range/rate of pay and other things important to you. **Describe why it is important to show up as scheduled and on time.**

At the interview, ask lots of questions and ask the applicant if they have questions. Choose open-ended questions, not yes or no questions. Use some of the sample questions provided on page 16 or write your own questions.

The way an applicant answers a question is just as important as what he or she says. An interested applicant will ask questions, and be interested in all aspects of job, not just the pay and hours they must work. Some positive signs to look for are that the applicant:

- Answers the questions completely;
- Maintains good eye contact;
- Listens carefully to what you say.

At the end of each in-person interview, thank the applicant and let them know that you will making a decision soon, and will contact all of the applicants with your decision. After you have chosen the most promising applicant(s), you are ready to start the hiring process.



# SAMPLE APPLICATION FOR EMPLOYMENT – PAGE 1

Name

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Address

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City, State, Zip Code

---

Phone Number

---

Are you a US Citizen  Yes  No If no, give Permanent Resident Card Number

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Highest Education Level Completed

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Certifications, Licenses, CPR

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Other Training/skills:

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## WORK HISTORY

Name and Address of the Company	From		To		Reason for Leaving	Name of Supervisor
	Mo	Yr	Mo	Yr		
	Describe the work you did:					
Telephone Number:						

## WORK HISTORY

Name and Address of the Company	From		To		Reason for Leaving	Name of Supervisor
	Mo	Yr	Mo	Yr		
	Describe the work you did:					
Telephone Number:						



**WORK HISTORY**

Name and Address of the Company	From		To		Reason for Leaving	Name of Supervisor
	Mo	Yr	Mo	Yr		
	Describe the work you did:					
Telephone Number:						

**WORK AVAILABILITY**

Days/Hours Available	Beginning Time Available	Ending Time Available	Hours
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			

Signature of Applicant:

Date:



# HIRING WORKERS



## **STEP 4: HOW DO I HIRE MY WORKERS?**

### **HOW DO I FIND OUT IF WORKERS CAN BE TRUSTED?**

References and background checks are important ways to get more information about your applications.

### **WHAT ARE REFERENCES?**

References are persons, agencies or businesses that know the applicant either as a friend or through work. References should not be relatives of the applicant. Every applicant should give you the names and phone number of their references. After the interviews, you call all of the references or have a family member call them on your behalf.

Here are some questions that you can ask references:

- How long have you known the applicant?
- What is/was the applicant's position? What are/were their job responsibilities?
- Was the applicant reliable? Dependable? Courteous? Trustworthy?
- Were there any problems?
- Why is the applicant no longer working for you? Would you rehire this person?

If the reference confirms the information that the applicant gives you, you know that the applicant was honest with you. If the reference is an employer, many employers will only tell you the dates the person worked there.

### **WHAT ARE BACKGROUND CHECKS?**

In addition to checking a person's references, the CMH requires a background check is done.

Background checks tell you whether the person has been convicted of any crime. Getting a background check is a simple process. For a small fee, anyone can perform a background check on another person by contacting the Criminal Justice Information Center online or by phone.

Non-profit organizations, like Arc chapters or Disability Networks can obtain background checks for free. Check with your Supports Coordinator to determine how they can help check the background on each person you want to hire. Your Financial Management Services Agent may also be able to help.

If your worker will be driving you, you must check their driving record. You can obtain a driving record from the Secretary of State's Office, [www.michigan.gov/sos/0,4670,7-127-1627\\_8996-107635--,00.html](http://www.michigan.gov/sos/0,4670,7-127-1627_8996-107635--,00.html). You must provide all names used by the person (including maiden name), social security number, driver's license number and date of birth. There is a small fee for the driving record. The driving record will show the person's last five years of driving history, including any tickets for speeding or driving under the influence (DUI). Consider whether the applicant's license has ever been revoked or suspended and whether there are an unusually large number of accidents.





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## HOW DO I CHOOSE AMONG APPLICANTS?

Once you've finished all the in-person interviews and conducted background and reference checks, ask yourself the following questions about each applicant:

- Can they perform the tasks I need done?
- Are they available when I need help?
- Does the applicant have a solid work history?
- Was I satisfied with their answers? Why? Why not?
- How was their attitude? Positive? Eager? Willing to learn?
- Did I feel comfortable with them? Will we get along well?
- Are they trustworthy?

Experience and training are important, but your best applicant may be a person with a willingness and ability to perform job duties.

The best applicant may be clear to you. If you need support right away, you may have to select someone who may not be a perfect match while you continue your search. Never settle for someone about whom you have serious concerns.

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## HOW DO I MAKE A JOB OFFER?

Once you have chosen someone, call them to offer the job. Review the job duties, wages and other benefits. Be clear about your expectations for the job. Describe rules you have (for example, rules about smoking, using a cell phone or playing music).

If an applicant wants time to think about your job offer, set a date for them to give you an answer.

Once you have hired the worker or workers you need, call the other applicants to let them know you've made a decision. Thank them for their interest. Ask each applicant if you can keep their name on file in case you need someone when your worker is not available.

Most applicants will accept your decision without question, but some may want to know why they were not chosen. Tell them that the person you hired is the best match for you. You do not have to tell them anything else.





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## WHAT IS AN EMPLOYMENT AGREEMENT?

You must have a written employment agreement or contract with each worker you hire. This agreement should cover the following items:

- Duties: use the job description or a list;
- Work schedule: include your policy for absences and arriving late as well as days off, holidays and vacation;
- What your worker needs to do to respect your privacy;
- Pay and benefits;
- Rules regarding whether the worker can use your personal items including your phone and your food;
- Rules regarding smoking, alcohol use, swearing and attitudes.

Both of you should sign and date two copies of the agreement so that you each have a copy. A sample employment agreement is provided. Employment is "at-will", which means that you can fire your worker or your worker can quit at any time.

Your worker must also sign a Self-Determination Provider Agreement with the CMH. The Medicaid Provider Agreement assures that your worker meets the Medicaid requirements. Your FMS can help you make sure that both the employment agreement and Self-Determination Provider Agreement are completed and can keep copies of these agreements.

## NOTES

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# REFERENCE AND BACKGROUND CHECK RELEASE FORM

Applicant's Name: \_\_\_\_\_

Potential Employer: \_\_\_\_\_

I \_\_\_\_\_ authorize my potential employer or any person authorized by them to contact my former employers and the personal references that I have given with regard to my job performance and character. If this position requires either that I drive my employer's vehicle or drive my employer in my vehicle, I agree to show my employer proof of current insurance on my vehicle and proof of a valid driver's license. I also agree to cooperate with my employer in obtaining a copy of my driving record, with the understanding that my employer will pay any necessary costs. I understand that my employer may check public court records for cases, civil or criminal, listed under my name.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's Social Security #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_

State Issued by: \_\_\_\_\_

Signature of Potential Employer: \_\_\_\_\_

Date: \_\_\_\_\_

Previous Name Used: \_\_\_\_\_

I authorize the potential employer or a person authorized by the potential employer to contact the following references and authorize the following references to release information to my potential employer or their representative to evaluate my qualifications for the above-mentioned position. References (please provide two employment and two personal references)

## EMPLOYMENT

Name Employer / Position: \_\_\_\_\_

Address and Phone Number: \_\_\_\_\_

Name Employer / Position: \_\_\_\_\_

Address and Phone Number: \_\_\_\_\_

## PERSONAL

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Address and Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Address and Phone Number: \_\_\_\_\_

I authorize the reference to share information in the following initialed categories:

\_\_\_\_\_ Attendance / Punctuality  
\_\_\_\_\_ Job Knowledge  
\_\_\_\_\_ Trustworthiness

*Reason for Leaving Previous Employer:*  
\_\_\_\_\_ Job Performance

\_\_\_\_\_ Attitude  
\_\_\_\_\_ Reliability  
\_\_\_\_\_ Employment Dates

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Witness: \_\_\_\_\_

Date: \_\_\_\_\_



# EMPLOYMENT AGREEMENT

Notes in bold, italics and brackets are places where specific information must be inserted. Your name and your employee's name should be used throughout the document and the employee's name should be used throughout the document.

This agreement is made on **[Insert date]** between **[insert employer name]** and **[insert employee name]** to describe the supports that the employee will provide to the employer and the terms and conditions of employment.

## SECTION 1

### EMPLOYEE RESPONSIBILITIES

I, **[Insert name]**, understand that my employment is dependent on my **[Insert employer name]**, use of self-directed services. If my employer stops using self-directed services, my employment may end. I agree to the following terms of employment:

1. I shall provide support to **[Insert employer name]** by performing the duties outlined in this agreement and Attachment A, which describes the supports that I will provide to my employer.
2. I agree to assist **[Insert employer name]** in maintaining the documentation and records required by my employer or the CMH. I agree to complete all necessary paperwork to secure mandatory payroll deductions from my pay. All records I may have or assist in maintaining are the property of my employer. I will keep these records confidential, release them only with the consent of my employer, and return them to my employer if my employment ends. In addition, I will complete illness and incident reports when necessary as required or requested by the CMH or my employer.
3. **[Optional Provision: I shall immediately notify (insert the name and contact information of the contact person chosen by the employer if my employer experiences a medical emergency or illness).**
4. I agree to follow all of **[Insert employer name]**' rules and regarding my employment duties to the employer. **[Employer should insert rules he or she may have (such as rules regarding phone usage or smoking in their home)].**
5. **[Insert reporting and documentation requirements for verifying hours worked].**
6. I understand my employment is at will, which I or **[Insert employer name]** can end at any time. However, my employer cannot terminate my employment on the basis of my race, religion, sex, disability or other protected status under federal or Michigan law. In addition.
7. I understand and acknowledge that **[Insert employer name]** is my sole employer and that I am not an employee of the CMH, which authorizes the supports I provide, or the FMS, which is the employer agent for my employer.
8. I agree to assist **[Insert employer name]** in filing Recipient Right complaints upon request. I also understand that I have a responsibility to report rights violations of which I am aware or any potentially abusive or neglectful situations that I observe. I understand that I may be requested to cooperate with a recipient rights investigation and/or assist my employer with exercising their rights.
9. I agree to execute a Self-Determination Provider Agreement with the CMH so that I can be paid as a provider of services funded by CMH.



# EMPLOYMENT AGREEMENT – CONTINUED

## SECTION 2

### EMPLOYER RESPONSIBILITIES

I, **[Insert employer name]**, agree to the following:

1. I will compensate **[Insert employee name]** in the following manner: \$ **[Insert hours wage]** an hour. ***[Insert specific information about any benefits the employee shall receive and describe benefits that will be excluded.]*** Payroll will be handled by my FMS **[Insert name of FMS]**, which will withhold all necessary tax, unemployment and other withholdings from employee's paychecks.
2. I will provide my FMS with the necessary documentation to assure **[Insert employee name]** receives paychecks.
3. I will assure **[Insert employee name]** receives appropriate training.
4. I will evaluate the performance of **[Insert employee name]** and provide appropriate feedback to assure that I am receiving quality supports.
5. I will assure that **[Insert employee name]** executes a Self-Determination Provider Agreement with the CMH.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Employer Signature<sup>1</sup>: \_\_\_\_\_

Date: \_\_\_\_\_

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<sup>1</sup>Some individuals may have a guardian or a chosen legal representative. If the employer has a guardian or a chosen legal representative, a place should be inserted for that person to sign and the appropriate documentation verifying that person's authority should be attached to that agreement.





# MANAGING WORKERS

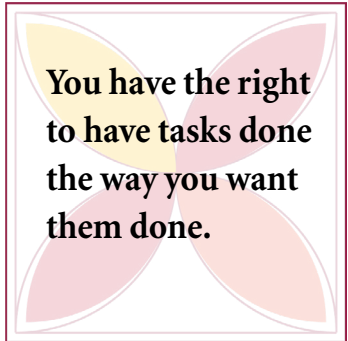
## STEP 5: HOW DO I TRAIN AND MANAGER MY WORKER?

### HOW DO I BUILD A GOOD RELATIONSHIP WITH MY WORKER?

The first step is to establish your authority as employer. When you hire a worker, set up the worker's schedule and tell them to show up as scheduled and arrive on time. Describe how it will affect your day if your worker is late or does not show up. Let the worker know what to do if they are sick or can't make it because of bad weather. Discuss what the worker should do and whom the worker should contact if you have an emergency.

You should direct your workers' activities, rather than asking them for favors or making demands. Talk with the worker in a clear, respectful and professional manner. If you become friends with your worker, don't let your friendship affect the work they do for you.

Your worker may come from a different background, culture or religion or simply have different values or preferences. Being different does not mean that either of you are wrong. While you need to be sensitive to your worker's differences, you have the right to have tasks done the way you want them done.



### HOW DO I TRAIN MY WORKER?

Training means that you teach your worker to do something. As the employer, you have the right to have tasks done in the way you want. While you are training your worker, describe the tasks in detail—tell them and write them down. Create lists of specific job tasks. Include details such as where the task is performed and any supplies needed.

Plan on training your worker over several days. Go through the list with your worker and give them a copy. Make clear that your disability may require that tasks be done in a specific way. Do not expect them to remember the job tasks after going through them with you just once. It will take time for you to explain how you want things done and for your worker to get comfortable doing things the way you want them done.

In addition to training your worker on the specific job duties, your worker must be trained in universal precautions (which means how to keep you safe from injuries and illnesses) and first aid. Ask your supports coordinator about different possibilities for training.

### HOW DO I MANAGE MY WORKER?

You are the managing employer, which means that you are in charge. You must talk to your worker about what is going well and not going well. "Great job" does not have much meaning. Instead, describe how you really liked the way a task was done. If your worker does something the wrong way, explain how the task was performed incorrectly and give specific instructions about what needs to be done differently. When giving feedback to correct the way your worker does something, speak calmly. Be clear, respectful and honest. If you need to express negative feelings, criticize your worker's behavior and not your worker. Do not be mean or rude. Use eye contact and listen to your worker's concerns. Work together to find a solution that satisfies both of you, but remember that you have a right to have your support provided in the way that you want.

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## HOW DO I PROTECT MY MONEY AND BELONGINGS?

You are inviting your worker into your home, where he or she might have access to your possessions, money and medications. There are a number of precautions you can take to safeguard your belongings. You already have taken the first precaution: to screen workers thoroughly by performing background checks and checking references.

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## SHOULD MY WORKER HELP ME HANDLE MY MONEY?

If you need help handling money, it's better to get that help from someone other than your worker, such as a family member or a trusted friend. Having your worker handle your money can cause problems for both of you. You risk having money stolen and your worker risks being accused of theft.

If you sometimes need to have your worker handle money, use the following guidelines:

- Avoid letting your worker write checks or withdraw money for you.
- Never let your worker use your credit card.
- If you ask your worker to take money from your wallet or purse to make a purchase for you, always observe them, record the amount taken in a note and sign the receipt when the worker returns with the purchase and change.
- If you ask your worker to write checks, document when, why, and the amount of each check. Keep a written record that you both sign. Make sure that your worker has a signed document explaining why checks are written to them, in case someone questions it later.

## PRECAUTIONS YOU CAN TAKE TO PROTECT YOUR ASSETS AND YOURSELF

The following are other precautions you and your allies can take:

- Consider having your benefits payments or paychecks deposited directly into a bank account. Do not make your worker your representative payee.
- Lock up or put away personal papers in a filing cabinet or a safe.
- Pick up and go through the mail yourself or ask someone other than your worker to do so. Consider using a post office box to make sure that your workers do not have access to your mail.
- Do not give workers your ATM cards and PIN numbers.
- Review your bank and credit card statements every month. At least once a year request a credit report from one of the three major credit bureaus: Equifax (888) 548-7878; Experian (888) 397-3742 or Transunion (800) 916-8800 or online at [annualcreditreport.com](http://annualcreditreport.com). You can obtain one free credit report from each of these companies every year.
- Keep track of your medication or ask your one of your allies to do so.
- Do not lend your worker your property for their own personal use.
- Be sure to get your key back when a worker quits or is fired, and consider changing your locks.
- Never add the worker's name to savings, checking, charge accounts or any other document





# MORE INFORMATION

## GLOSSARY –WORDS USED IN THIS BOOKLET AND WHAT THEY MEAN

### **Applicant:**

Financial Management Services (FMS): An organization or person independent of the CMH system that assists employers to manage the dollars in self-directed budgets (FMS used to be called a fiscal intermediary).

### **Individual Budget:**

The amount of money from community mental health (CMH) given to pay for behavioral health services and supports as listed in the individual plan of services (IPOS).

### **Individual Plan of Services:**

The plan of services and supports that will be authorized and paid for by CMH.

### **Internal Revenue Service:**

The federal agency that collects taxes for the federal government.

### **Medicaid:**

A government program that provides funding for services and supports.

### **Person-Centered Planning:**

The way that you come together with your friends and family members and support coordinator to determine what services and supports you need and how you will use self-directed services.

### **Self-Determination:**

The belief and value that you have the freedom to define your life, make meaningful choices regarding your life and have the chance to direct the services and supports you need to pursue that life.

### **Self-Direction or Self-Directed Services:**

The ability for you to exercise budget authority and employer authority over your services and supports.

### **Supports Coordinator:**

A person who works for your CMH and works with you to develop your Plan and Individual Budget that are authorized by the CMH. The Supports Coordinator also provides other assistance and support to you.



## LEGAL AND TAX ASPECTS OF BEING AN EMPLOYER

### Employee vs. Independent Contractor

In the past, some people have tried to call their workers “independent contractors” to avoid some of the legal and tax requirements of employing workers. The law has clearly established that workers that provide services and supports to individuals with disabilities are employees, not independent contractors.

### State and Federal Income Tax

Income taxes are paid on worker income. In most cases, employers are required to withhold income tax from paychecks. Your FMS can calculate the correct amount to withhold, withhold it from the paycheck, and send it to the appropriate taxing authorities.

### Social Security and Medicare (FICA) Taxes

Social Security and Medicare (FICA) Taxes pay for social security and Medicare benefits that people can access when they retire or if they become unable to work due to disability. As the employer, you must pay FICA taxes if you pay cash wages of \$1,000 or more to a single worker in any tax year. FICA taxes are 15.3 percent of wages paid. The worker and employer each pay half of the taxes. The employer must withhold the worker's portion and send it with the employers' portion to the Internal Revenue Service. Your FMS will withhold these taxes from your employees' paychecks and send them to the Internal Revenue Service.

### Unemployment Tax

The Federal Unemployment Tax (FUTA) and Michigan unemployment tax are used to compensate workers who lose their jobs. An employer is responsible for paying unemployment taxes if he or she pays \$1,000 in any quarter and must pay unemployment tax on the first \$9,000 paid to the worker in a year. Your FMS will calculate and pay the appropriate unemployment taxes from the funds in your individual budget.

### Liability Insurance

As an employer, you are not required to have liability insurance, but having insurance can protect you in three ways:

1. Insurance covers the costs and damage from a lawsuit if your worker or another person is injured in your home by you or by accident;
2. It will pay medical costs not covered by health insurance if you are injured in your home by another person or by accident;
3. It will cover the cost of replacing your property if it is damaged or destroyed by your worker or another person.

Check with an insurance agent about the cost of getting liability insurance and what the specific policy will cover. If you already have homeowners or renters insurance, that policy may cover some or all of the situations described above or your agent may be able to add coverage to your policy. Your friends and family members and/or your FMS can assist you with this task. If the worker will be driving your car, you will need to provide a copy of the worker's driver's license to your insurance agent. If you require the worker to use their own car to run errands or transport you, check to see if he or she has the required car insurance coverage.

### Worker's Compensation Insurance

If you employ a worker who is not related to you, you are responsible for purchasing worker's compensation insurance if the worker works more than 35 hours per week for more than 13 weeks per year. If you have three or more workers, all of the workers must be covered even if they work part-time. Worker's compensation does not cover relatives, which generally includes your parents, children, or spouse. More distant relatives may need to be covered. Worker's compensation may provide payment for lost wages and medical and rehabilitation costs if a worker is injured during employment. Worker's compensation is good for you as an employer because it limits your liability. Your FMS will help you purchase required worker's compensation insurance.

### Labor Laws

In addition to the non-discrimination requirements described in Step 6: Interviewing Applicants, there are other state and federal labor laws that apply to employment. Both state and federal law require that workers be paid a minimum wage. Generally, workers that work over 40 hours per week are entitled to compensation at one and a half times their regular rate.

Under a federal rule that came out in 2014, in some self-directed, a public entity (such as the CMH) may be considered a joint employer of workers, based on the action the public entity takes (such as setting the wage rate). **If CMH is considered to be a joint employer and a worker works more than 40 hours per week even for multiple employers, the worker will have to be paid overtime for every hour worked over 40 hours and will have to be paid for the travel time between employers' homes.**

### Electronic Visit Verification

A federal law requires that states implement electronic visit verification (EVV) for all Medicaid care services that require an in-home visit by a provider by January 2023. At the time of publication, it was unclear how Michigan was planning to implement this requirement.



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